

# **DIVORCE - WITH MINOR CHILDREN**

# **3**

## **RESPONSE**

Part 3: To Respond to a Divorce Petition  
(Forms and Instructions Packet)

## Law Library Resource Center

# RESPONSE TO PETITION AND PAPERS for DIVORCE (“DISSOLUTION”) WITH MINOR CHILDREN

### CHECKLIST

*You may use the forms and instructions if . . .*

- ✓ Your spouse filed a ***“Petition for Dissolution of a Non-Covenant Marriage (Divorce) With Minor Children”***, AND
- ✓ You want to file a ***“Response”*** to tell the Court whether you agree or disagree with something your spouse stated or requested in the ***“Petition for Dissolution”***, AND
- ✓ You and your spouse have minor children with each other.

**READ ME:** Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Law Library Resource Center website.

## DIVORCE WITH MINOR CHILDREN

### PART 3 – FORMS AND INSTRUCTIONS: RESPONSE TO A PETITION

This packet contains court forms and instructions to file a response to a petition for divorce with minor children only. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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\* Do not copy this document or provide it to the other party.

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

## Law Library Resource Center

### INSTRUCTIONS: HOW TO RESPOND TO a PETITION FOR “DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) WITH MINOR CHILDREN”

**DOMESTIC VIOLENCE:** Domestic violence can be a part of any marriage. Domestic violence includes **physical violence** such as hitting, slapping, pushing, or kicking you and/or your child(ren) and/or **threats** of physical violence directed at you and/or your child(ren) and/or **verbal abuse** used to control you and/or your child(ren). Your spouse does **not** need to have been **convicted** of domestic violence or assault for you to be a domestic violence victim. You do **not** need to have sought medical care or been admitted to a hospital to be a victim of domestic violence.

Court documents request your address and phone number. If you are a victim of domestic violence, are in a domestic violence shelter, or if you do not want your address known to protect yourself or your children from further violence, you **must** file a **“Request for Protected Address”** and ask that your address **not** be disclosed on court papers. If the Court grants your Request, you do not need to put your address and phone number on your legal separation papers. **If the Court grants your Request**, you do **not** need to put your address and phone number on court papers. Just write “protected” where the form asks for this information and update the Clerk of the Court with an address and phone number as soon as possible so that the court can reach you. You must tell the Clerk of the Court your address and phone number as soon as possible so the court can get in touch with you. The court will keep your address protected.

#### HOW TO COMPLETE YOUR WRITTEN RESPONSE TO THE PETITION:

1. Type or print in **BLACK ink only**.
2. Make sure your form is titled **“RESPONSE TO PETITION FOR DISSOLUTION OF a NON-COVENANT MARRIAGE (DIVORCE) WITH MINOR CHILDREN.”**
  - (A) In the top left corner of the first page, fill out the following information: YOUR name; address (if not protected); city, state and zip code; telephone number; and, your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security; Attorney Bar Number if represented by an attorney; and, whether you are representing yourself or if you are the attorney representing either Petitioner or Respondent
  - (B) Fill in the name of the “Petitioner / Party A” and “Respondent / Party B” the same way as it is on the Petition. You must do that for every document filed with the court regarding this case from now on. Use the case number that is stamped in the upper right-hand corner of the Petition. You must use that case number for every document filed with the court regarding this case from now on.

#### STATEMENTS TO THE COURT, UNDER OATH OR AFFIRMATION:

SECTION	INSTRUCTION
1.	<b>Information about my spouse.</b> Fill in your spouse’s (name, address (if not protected), date of birth, occupation, and length of time domiciled (lived) in this state. This is basic information about your spouse.
2.	<b>Information about me.</b> Fill in your name, address, date of birth, occupation, and length of time you lived in this state. This is basic information about YOU.

3. **Information about our marriage.** This is general information about your marriage. Fill in the date that you were married, and the city and state where you were married. Then check the box if you have a non-covenant marriage.

\* To have a “Covenant Marriage”, both Party A and Party B would have had to:

1. **sign papers requesting** to have a covenant marriage or to convert to a covenant marriage,
2. **attend pre-marital counseling** (unless converting an existing marriage to a covenant marriage, **AND**
3. **Your marriage license would say “Covenant Marriage”.**

If you still have questions about whether you have a “covenant” marriage, contact a lawyer for help.

“Irretrievably broken” means that your marriage is broken beyond repair and there is no chance of getting back together with your spouse.

If you have a covenant marriage, you should file a motion to dismiss, and then petition the court for dissolution of a covenant marriage, if you want a divorce. If you have a covenant marriage, attach a copy of the marriage license to show that you have a covenant marriage.

4. **90-day requirement.** This tells the court that you and/or your spouse has lived in Arizona, or been stationed here while in the Armed Forces, for at least 90 (ninety) days prior to the date your spouse filed the divorce papers. Before your spouse filed for Divorce, this **MUST** be true. **IF IT IS NOT TRUE**, your spouse filed too soon and the case must be dismissed. You or your spouse can file a “**Motion to Dismiss**,” then refile the divorce papers once the statement is true.

#### INFORMATION ABOUT OUR CHILDREN UNDER 18 YEARS OF AGE

5. **Domestic Violence.** This tells the court if domestic violence was in the marriage and affects a request for joint legal decision-making, (if you intend to ask for joint custody). If you are not sure what domestic violence means, see the first page of this document. Then, check the box that applies to your situation.
6. **Children of the Parties Who Are Less Than 18 Years of Age.** If you have no minor children common to you and your spouse, you should use the “**Petition for Dissolution of a Non-Covenant Marriage - Without Minor Children**” Packet.
- If the minor children common to you and your spouse have lived with you in Arizona for more than 6 months, the Court has jurisdiction over you and your children.
  - Mark the box that states whether or not your minor children have lived with you in Arizona for more than 6 months.
  - Then, write the names of any child(ren) under age 18 common to you and your spouse, whether born to you and your spouse before or during your marriage or adopted by you and your spouse during the marriage. Include their birthdate(s), address(es), and length of time at the last address. If you do not have any children, you should be using the Response Packet Without Children.
7. **Pregnancy.** If Party A or Party B is **NOT** pregnant at this time, check the correct box and go to paragraph 8. If Party A or Party B is pregnant, check the third box. Fill out the date the baby is due, and fill in any information regarding the parents of the unborn child.

8. **Summary of What I Request Concerning Our Minor Child(ren) That is Different From What My Spouse Requested in the Petition and Affidavit of Minor Child(ren).** Since you are responding to what your spouse asked for in the Petition, you should now summarize for the Judge how what you request concerning the child(ren) is different from what your spouse asked for in both the Petition and Affidavit of Minor Children.

**INFORMATION ABOUT PROPERTY AND DEBT:** The information you give in paragraphs 9 and 10 tells the court about your property and debts, and how you think your property and debts should be divided. Community property is generally any property you and your spouse purchased during your marriage or paid for during the marriage, no matter who uses the property or who paid the money. Unless property was a gift or inheritance, all property acquired during the marriage of after you were served with a copy of the Petition for Divorce is community property, and both you and your spouse are entitled to roughly an equal share of this property.

Community debt or bills are generally any debt, you and your spouse, acquired during your marriage, no matter who spent the money. If you have questions, or have a lot of community property or debt, you should speak with a lawyer **BEFORE** you file your Response.

It is very important that you be specific in your responses about the property and debt. Describe the property and debt that should go to or be paid by you in detail and describe the property and debt that should go to or be paid by your spouse in detail. Never list an item and check both Party A and Party B box.

- 9.a. **Property acquired during the marriage. Community property.** If you and your spouse do **not** have any property from the marriage, check the first box. If you and your spouse have property together, check the second box. If you checked the second box, you must tell the court what property should go to you and what property should go to your spouse. Generally, the court will divide the property 50-50, unless there are good reasons not to.

It is unlikely that the court will give most or all of the property to either spouse, so put some thought into what you think would be a fair division before answering this question. Usually, if you and your spouse cannot decide which spouse should receive the property, the court will order that the property be sold and any money received divided between you and your spouse.

List the property that you want the court to award to your spouse, and list the property that you want the court to award to you. Put a check in the box that matches the property you want to go to which person. You should describe the property thoroughly for identification purposes and tell the court how much the property is worth (fair market value). You can use the brand name and model where applicable, and serial numbers.

**Types of property:**

- a) **Real Property (property or home).** Check who you want to get the property. You can ask the court to give you the home, to give the home to your spouse, or to sell the home and divide the proceeds. You should write the complete address of the property under "Real estate located at." Most property has a legal description such as "LOT 77, PINE TREE ACRES, according to Book 111 of Maps," which appears on your deed papers. You should use this description. A cemetery plot is considered real property.
- b) **Household furniture.** This includes sofas, beds, tables, and so forth. Be specific.
- c) **Household furnishings.** This includes things in the house other than furniture, for example: dishes, small appliances, rugs, and so forth. Be specific.
- d) **Other.** List things that you want or you want your spouse to have that have not already been listed. Be specific.

- e) **Pension/retirement fund/profit sharing/stock plans/401K.** You and your spouse each generally have a right to up to one-half interest in the other spouse's plan, for the number of years you were married. The longer the marriage, the greater your financial interest in your spouse's plan. (Your interest, usually, includes up to 50 percent of the benefits/plan if you have been married the whole time the plan has existed.) Check this box if you want to divide your interest in a retirement or profit sharing/retirement/401K plan. If you check this box, you must see an attorney about a document called a **Qualified Domestic Relations Order or QDRO. A QDRO is a very specialized legal document that requires professional assistance to prepare.** The Law Library Resource Center and the court **do not** have Qualified Domestic Relations Order forms.
- f) **Motor vehicles.** List the vehicle identification number, the year and make of the car (Ford, Honda) and the model (Mustang, Lumina).

9.b. **Property acquired before marriage. Separate property.** If you did **not** have, or bring, any property into the marriage, or you did not receive any gifts, devises, or inheritances, check the first box. If your spouse did **not** have or bring any property into the marriage, or did not receive any gifts, devises, or inheritances, check the next box. If you or your spouse brought property into the marriage, or received gifts, devises, or inheritances, check the third and/or fourth box. If you checked the third and/or fourth box, you must tell the court what property you brought into the marriage and what property your spouse brought into the marriage. List the property that you want the court to award to your spouse, and list the property that you want the court to award to you. Put a check in the box that matches the property you want to go to which person. You should describe the property thoroughly for identification purposes. You can use the brand name and model where applicable, and serial numbers.

9.c. **Debts incurred during the marriage. Community debts.** If you and your spouse do **not** owe money on any debts from the marriage, check the first box and go directly to paragraph 9.d. If you and your spouse owe money on any debts from the marriage, check the second box. If you check the second box, tell the court which debts you should pay and which debts your spouse should pay. Generally, the court will attempt to make a fair division of the debts. If you get the property that has debt on it, you probably will be given the debt. Ordering one person to pay all the debt is unusual. Think about what is a fair division of the debts before answering this question. Put enough information to identify each debt.

If you and your spouse have been separated and have acquired new debts on your own before filing for divorce, you may want the court to order that each of you pay for any new debt after the date you separated. You can make this request on the last page of your Petition under Letter I "Community Debts."

9.d. **Debts incurred prior to marriage. Separate debts.** If you and your spouse did not owe money on any debts before you were married, check the first box and GO ON to 10. If you owed money on debts before you were married, check the second box. If your spouse owed money on debts before you were married, check the third box. If either you or your spouse owe money on any debts you or your spouse brought into the marriage, describe the debts, and tell the court which debts you should pay and which debts your spouse should pay.

10. **Summary of What I requested concerning property and debts that is different from what my spouse requested in the Petition.** Tell the court what is different between your plans for the division of the property and debt and what your spouse asked for in the Petition.

11. **Tax Returns:** Decide what you want to do about any income tax refund. Check the box that applies to you. If you have questions about which box you can check, you should see a lawyer, an accountant, and/or contact the Internal Revenue Service (IRS).

## INFORMATION ABOUT SPOUSAL MAINTENANCE/SUPPORT (ALIMONY)

12. **Spousal Maintenance/Support** is the term used to describe money paid from one spouse to the other spouse as part of a divorce. You may know the term as alimony. Spousal maintenance/ support is designed as a safety net for a spouse who cannot provide for his/her needs or who meets other requirements listed on the Petition under paragraph 8. The idea behind spousal maintenance/support is that accomplishments during your marriage, including increases in earning potential and living standards, are shared and earned by **BOTH** parties to a marriage. Look at paragraph 12 to see if spousal maintenance/support applies to you or your spouse. Then, check the box that most applies to you. **Spousal maintenance/support is paid separately from child support and is not a substitute for or a supplement to child support.**
13. **SUMMARY OF WHAT I WANT REGARDING SPOUSAL MAINTENANCE/SUPPORT THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION.** Since you are responding to what your spouse asked for in the Petition, you should now summarize for the court how what you want for spousal maintenance/support is different from what your spouse wants. You should do this because the Petition your spouse used might not be from the Law Library Resource Center, and it might be arranged differently than this form.
14. **DRUG / ALCOHOL CONVICTIONS.** Place a mark in the box that best describes Party A and Party B's drug / alcohol convictions within the last 12 months.
- A conviction of any drug offense within 12 months of filing of the petition for legal decision-making, creates a rebuttable presumption that awarding either joint or sole legal decision-making to that parent is not in the child's best interest. This is because the court considers evidence of drug and alcohol convictions as being against the best interest of the child A.R.S. § 25-403.04.
  - If the court finds evidence of a conviction of any drug/alcohol offense within 12 months of filing of a petition for legal decision-making has occurred, the court shall make arrangements for parenting time that best protect the child.
15. **CHILD SUPPORT.** Place a check mark in the boxes about child support that are true in your situation. Arizona law declares that every person has the duty to provide all reasonable support for that person's natural and adopted minor, unemancipated children - regardless of the presence or residence of the child in this state A.R.S. § 25-501.
16. **OTHER EXPENSES.** This section tells the Court how you want any uninsured medical, dental, visions or health expenses incurred for the minor child should be divided between the parties.
17. **WRITTEN AGREEMENT.** Check this box **ONLY** if you and your spouse have a written agreement regarding legal decision-making, parenting time (formerly known as "visitation") and support that **both of you signed BEFORE** you filed *the "Response to the Petition for Dissolution of Marriage."* If you have only discussed these issues and do not have a written agreement, do **NOT** check this box. Attach a copy of the written agreement if you have a copy.
18. **THE PARENT INFORMATION PROGRAM.** This section tells the Court if you have completed the Parent Information Program yet. For further information see the *"Order and Notice to Attend the Parent Information Program Class"* you should have received from your spouse. If you did not receive this information, the Law Library Resource Center has the form.



The Parent Information Program is offered to provide information to divorcing parents, or parents involved in other domestic relations actions, concerning what their children may be experiencing during this emotionally difficult period (Pursuant to Arizona law (A.R.S. § 25-351: "Domestic Relations Education on Children's Issues").

- Completion of the Parent Information Program is a **requirement for all parents** involved in a divorce, legal separation, or paternity case in which a party requests that the Court determine Legal Decision-Making, Parenting Time, or child support. Parties involved in other types of domestic relations actions, such as modification or enforcement of Legal Decision-Making or Parenting Time, as well as child support matters, may also be ordered to attend the Parent Information Program at the Court's discretion.
- Both Party A and Party B must complete this class within 45 days from the date the Petition for Dissolution is served/ (A.R.S. § 25-352). Both spouses must register for and complete the course whether or not a "Response" or "Answer" to the Petition/Complaint is filed. Please be advised that a Certificate of Completion will be e-filed with the Maricopa County Clerk of the Court by the approved class provider upon your completion of the class. This certificate will be available to the court within 5 to 7 business days after your successful completion of the class.
- Approved Parent Information Program classes are offered by a number of community-based providers at various locations throughout Maricopa County as well as online.
- The fee for the Parenting Information Program class is a maximum of \$50.00 per person payable to the community-based provider. For more information about the Parent Information Program in Maricopa County, please call (602) 506-1561.
- Check the box that corresponds with whether you have completed the Parent Information Program.

19. **GENERAL DENIAL.** This section tells the Court that even if you did not answer everything said in the Petition, you deny all issues you did not address. This is extra protection for you.

**REQUESTS TO THE COURT.** This section requests that the Court grant you and your spouse your divorce and tells the Court other requests you are making:

- A. **DISSOLUTION.** This is your request to end your marriage by a divorce or to dismiss the case because of one of the reasons listed. Check the box(es) that apply to your case.
- B. **RESTORE NAME.** ONLY write in this section if you want to use your maiden or former name. Write in your birth name or former last name in the space provided. If you are not the person who is requesting to have your former name restored, the court must have a written request from the party who wants his or her name restored to change the name.
- C. **PATERNITY AND MINOR CHILD(REN)'S NAMES.** ONLY write in this section if you and your spouse have minor child(ren) that was/were born before the marriage and both parties are the legal parents of the minor child(ren). Check which party you want the Court to declare as the legal parent of the minor child(ren) born prior to the marriage and write the name(s) of those minor child(ren).
- D. **PRIMARY RESIDENCE, PARENTING TIME, and LEGAL DECISION-MAKING**
- D.1. **PRIMARY RESIDENCE:** The physical place where the child is cared for, supervised, and sleeps overnight. If you want your residence to be the place the child sleeps overnight the majority of the time, check the box that applies to you. The write in the name(s) of the child(ren). This tells the court whether you want the primary residence of the minor child(ren) to be with you or your spouse.

**D.2. PARENTING TIME:** means the schedule of time during which each parent has access to a child at specified times. Each parent during their scheduled parenting time is responsible for providing the child with food, clothing and shelter and may make routine decisions concerning the child's care.

Check only one of the first three boxes. You can ask that the non-primary residential parent (the parent having less than equal parenting time with the child(ren)) have one of the following types of parenting time (If you want to know more about parenting time read the Parenting Time Guidelines in packet 4) Also, NOTE: (If you want to know more about parenting time, refer to "Planning for Parenting Time: Arizona's Guide for Parents Living Apart". The Guide is available for purchase at all Superior Court Law Library Resource Center locations, or may be viewed online and downloaded for free from the state courts' web page.

- ☐ **Reasonable parenting time.** This suggests an amount of parenting time appropriate to the age of the minor child(ren). The court offers suggested amounts of parenting time, but the amount can vary by agreement of both parents.
- ☐ **Supervised parenting time to the non-primary residential parent.** You should request supervised parenting time if the non-primary residential parent cannot adequately care for the minor child(ren) without another person present to ensure the child's safety. You may request this if the non-primary residential parent abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for the child(ren) without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the minor child(ren).
- ☐ **No parenting time to the non-primary residential parent.** You should mark this option only if the non-primary residential parent has seriously harmed, abused, or otherwise is a serious danger to the child(ren)'s physical and emotional health, or if there is a criminal court order stating no contact between the minor child(ren) and the non-primary residential parent. You may use this as a last resort to protect the minor child(ren).

Write in the name of a person you would like to supervise the child-parent parenting time. Also, mark the box that shows who you think should pay for the supervisor.

**D.3. LEGAL DECISION-MAKING:** "Legal decision-making" means the legal right and responsibility to make all nonemergency legal decisions for a child including those regarding education, health care, religious training and personal care decisions. For the purposes of interpreting or applying any international treaty, federal law, a uniform code or the statutes of other jurisdictions of the United States, legal decision-making means legal custody A.R.S. § 25-401.

In the context of legal decision-making, "sole" means one parent; "joint" mean both parents. First, place a mark in the box to show if you want sole or joint legal decision-making. Then, mark the Party (A or B or both) you want to be awarded the legal decision-making.

**E. CHILD SUPPORT:** Tell the court who you think should pay child support. The income of the parties generally determines the amount of the support according to court guidelines. You must check only one box.

**Past Support** is child support after a couple has separated but before any paperwork is filed or court orders issued. Indicate the party who owes past child support, if any is owed.

**F. INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN:** Mark the box(es) to request the part(ies) who should be responsible for medical, dental and vision care for minor children.

**G. TAX EXEMPTION:** Decide how you and your spouse will declare the tax dependency exemptions, for which minor child(ren) for which years. Federal Tax law also determines this for you. If you are not sure, see a lawyer or an accountant for help.

**H. SPOUSAL MAINTENANCE/SUPPORT.** This tells the court that you or your spouse should pay money to the other spouse on a monthly basis to help with living expenses. **Spousal maintenance is not a substitute for, or a supplement to, court ordered child support.**

- Place a mark in the box which best represents what you believe about whether spousal maintenance is appropriate.
- If you marked the box that requests the court to order spousal maintenance, decide which spouse (Party A or Party B) should pay, and then place a mark in that box.
- If you request spousal maintenance/support, write on the line what you believe to be a reasonable monthly amount and write in how many months the money should be paid. Base the amount of any request on the receiving party's need and the income of the spouse paying this money.

**I. COMMUNITY PROPERTY.** This tells the Court that you request a fair division of the property.

**J. COMMUNITY DEBT.** This tells the Court that you request a fair division of the debt, and that the court should divide the debts as requested by you in your Response. If you have been separated from your spouse for enough time that you or your spouse may have additional debts, write the date of the separation on the line provided if you want each spouse to pay the debts acquired after you separated.

**K. SEPARATE PROPERTY.** This states that you are requesting the Court to order that each party keep the property they owned before the marriage, and that both Party A and Party B will keep all property acquired by gift, devise, inheritance, or after you were served with the Petition.

**L. SEPARATE DEBT.** This states that you are requesting that each party will pay all of his/her separate debts.

**M. OTHER ORDERS:** Anything else you may want the Court to order that has not been covered in your Response.

**OATH OR AFFIRMATION AND VERIFICATION.** Sign this form in front of a notary public or a deputy clerk of the Superior Court. By doing so, you are telling the Court that everything contained in the Response to the Petition for Dissolution is true.

### **OTHER IMPORTANT PAPERS IN THIS PACKET**

**PARENTING PLAN:** Fill out the Parenting Plan to let the Court know details about what you want for legal decision-making authority and parenting time. It is important to be specific when filling out the Parenting Plan. You may refer to the "Planning for Parenting Time: Arizona's Guide for Parents Living Apart" to help make your parenting plan. The Guide is available for purchase at all Superior Court Law Library Resource Center locations, or may be viewed online and downloaded for free from the State Courts' webpage. After completing the Parenting Plan, file it with your Response.

**ALTERNATIVE DISPUTE RESOLUTION (ADR) STATEMENT TO THE COURT:** This form informs the Court about your willingness to participate in either court-provided or private resolution processes. Complete the form, then date and sign it.

## **OTHER IMPORTANT PAPERS to be completed NOT IN THIS PACKET**

**CHILD SUPPORT WORKSHEET:** You can use the free Online Child Support Calculators at the websites listed below to complete a child support worksheet.

ezCourtForms (<https://www.superiorcourt.maricopa.gov/ezCourtForms/index.asp>)

Arizona Supreme Court (<http://www.azcourts.gov/familylaw/Child-Support-Calculator-Information>)

To complete the child support worksheet you will need to know:

- Your case number.
- Your monthly gross income and that of the other parent.
- The monthly cost of medical insurance for the minor children who are the subject of this action.
- Monthly childcare amounts paid to others.
- The number of days the minor child(ren) spend with the non-primary residential (custodial) parent.
- Monthly obligations of yourself and the other parent for child support or court-ordered spousal maintenance/ support.

After completing the child support worksheet, print out the child support worksheet and file it with your Response.

## Law Library Resource Center

### PROCEDURES: HOW TO FILE A RESPONSE WITH THE COURT

**STEP 1:** **COMPLETE** the *'Family Department / Sensitive Data Coversheet.'* (Do NOT copy this document or serve this to the other party).

**STEP 2:** **COMPLETE** the Child Support Worksheet online via ezCourtForms, (<https://www.superiorcourt.maricopa.gov/ezCourtForms/index.asp>) or the Arizona Supreme Court website (<http://www.azcourts.gov/familylaw/Child-Support-Calculator-Information>).

**PRINT OUT 1 copy** of the completed Child Support Worksheet.

**STEP 3:** **PHOTOCOPY:** Make 2 copies of the *"Response," "Parenting Plan," and "Child Support Worksheet"*, and other papers after you complete them.

**STEP 4:** **SEPARATE YOUR DOCUMENTS INTO THREE (3) SETS:**

**SET 1 - ORIGINALS FOR CLERK OF COURT:**

- *"Family Department / Sensitive Data Coversheet With Children"*
- *"Response"*
- *"Parenting Plan"*
- *"Child Support Worksheet"*

**SET 2 - COPIES FOR SPOUSE:**

- *"Response"*
- *"Parenting Plan"*
- *"Child Support Worksheet"*

**SET 3 - COPIES FOR YOU:**

- *"Response"*
- *"Parenting Plan"*
- *"Child Support Worksheet"*

**STEP 5: FILE THE PAPERS AT THE COURT: GO TO THE COURT FILING COUNTER TO FILE YOUR PAPERS:** The court is open from 8 a.m.-5 p.m., Monday-Friday. You should go to the court at least **two hours** before it closes. You may file your court papers at the following Superior Court locations:

The Clerk of the Superior Court  
**Central Court Building**  
201 West Jefferson, 1st floor  
Phoenix, Arizona 85003

The Clerk of the Superior Court  
**Southeast Court Complex**  
222 East Javelina Avenue, 1st floor  
Mesa, Arizona 85210

The Clerk of Superior Court  
**Northeast Regional Court Center**  
18380 North 40<sup>th</sup> Street  
Phoenix, AZ 85032

The Clerk of the Superior Court  
**Northwest Court Complex**  
14264 West Tierra Buena Lane  
Surprise, Arizona 85374

**FILE: Deliver your Response papers** (3 sets) to the Clerk of the Court at the filing counter.

**FEES: Pay your fee to the Clerk of Court.** A list of current fees is available from the Law Library Resource Center and from the Clerk of Court's website. . If you completed a Fee Deferral Application, give it to the Court Clerk.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of the Court. Deferral Applications are available at no charge from the Law Library Resource Center.

**PAPERS:** Hand all three (3) sets of your court papers to the Clerk along with along with the filing fee. The Clerk will date stamp and notarize the papers.

**MAKE SURE YOU GET BACK THE FOLLOWING FROM THE CLERK:**

- Your set of copies
- Your spouse's set of copies

**STEP 6:** Make a copy of the Alternative Dispute Resolution ("ADR") Statement and Instructions. Read the form "When and How to Use the ADR Statement to the Court" carefully.

**STEP 7:** Keep one copy of your Response packet, ADR Statement and Instructions for yourself, and mail or hand-deliver the other copy of your Response packet, ADR Statement and Instructions to the other person (or the person's attorney, if he/she is represented by an attorney. If the person is represented by an attorney, the attorney's name and address may be found on the Petition in the upper left hand corner.)

**STEP 8: What will happen next:** You will receive notice to attend either a hearing or a conference.

## HELPFUL INFORMATION: HOW to FILE a RESPONSE to A PETITION for DIVORCE

**IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE:** Domestic violence can be part of any marriage. Domestic violence includes physical violence such as hitting, slapping, pushing or kicking **or** threats of physical violence directed against you and/or your children **and/or** verbal abuse used to control you and/or your children.

Court documents request your address and phone number. If you are a victim of domestic violence, and you do **not** want your address to be known to protect yourself or your children from further violence, you **must file** a **“Request for Protected Address”** and ask that your address **not** be disclosed on court papers. With that Order, you do not need to put your address and phone number on your divorce papers. Just write "protected" in the space on the form where you are asked for this information. You must tell the Clerk of the Court your address and phone number as soon as possible so the Court can get in touch with you. The Court will keep your address protected.

**PAPERS YOU SHOULD HAVE RECEIVED with this PETITION:** You should have received the following papers. If one or more papers are missing, you may obtain copies of the papers from the office of the Clerk of the Superior Court, at any Maricopa County Superior Court Location.

1. **SUMMONS:** A summons is a legal notice to you that a court action against you was filed in the court issuing the summons. It also notifies you and that a judgment will be taken against you if don't answer the complaint or petition within a certain time.
  - The summons also tells you how many calendar days you have to file a response, depending on how you were served with the court papers.
  - Be sure to file a **WRITTEN RESPONSE** on time.
  - If the time for you to file a **WRITTEN RESPONSE** has passed, the other party may complete an **Application and Affidavit for Entry of Default** and send you a copy. Then you have 10 more days in which to file your **WRITTEN RESPONSE**.
  - If you do not file a **WRITTEN RESPONSE ON TIME** a default judgment may be entered, and you miss your opportunity to tell the judge your side of the story.
2. **PETITION for DISSOLUTION (Divorce):** This is the form the other party completed to request a divorce, and tell the Court his/her side of the story about the marriage, property and/or debt, spousal maintenance, minor children, pregnancy, child support, parenting time, and family living situation. **Read each and every word very carefully**, and decide what you want to do. Here are your choices:
  - A. **Do nothing.** This means the other party can tell the judge his/her side of the story, and get a court order without you telling your side at all. **This is called a default.** Even in these cases, the judge will try to decide what is best, but it is never a good idea to ignore the court papers and proceeding which results in a court order that you had no input on. See a lawyer for help before you choose this option.
  - B. **Work together. Decide with the other party** how you want to handle everything about the property and/or debt, spousal maintenance, minor children, pregnancy, child support, child parenting time, and legal decision-making. Then you and the other party file papers in the court stating your agreement on everything. This is called a **Consent or Stipulation**. Mediators can help you with this, and the Law Library Resource Center has a list of mediators, and how much they charge to help you.
  - C. **Disagree with the court papers and file a RESPONSE stating your side of the story, and how you want to handle the issues.** This is called a “contested” matter. But, even if you originally file a response, you and the other party can decide to agree on something, or everything, and file court papers for a **Consent or Stipulation**. Mediators can help you with this, and the Law Library Resource Center has a list of mediators, and how much they charge to help you. If you file a response and do not settle everything with the other party, you must be sure to file the court papers you will need to set the case for trial.

3. **PRELIMINARY INJUNCTION:** This is an order from the Court to both spouses about what you CAN and CANNOT do with property, minor children, and other issues while the Divorce petition is pending. If you or your spouse do not obey this order, the party who disobeys it can be in serious trouble with the court. If your spouse disobeys the order, see a lawyer for help on what to do. The Law Library Resource Center has a list of lawyers who will help you help yourself, and this list tells how much they charge to help you.
4. **AFFIDAVIT Regarding MINOR CHILDREN:** This form is required for all legal decision-making (legal custody) cases.
5. **PARENT INFORMATION PROGRAM ORDER and NOTICE:** These papers are important. You and the other parent must attend and complete a class in the Parent Information Program. The class was designed to help you parent your child through and beyond the court process. The purpose of the Parent Information Program is to give parents information about the impacts that divorce, the changes in the family unit, and court involvement have on minor children involved in a divorce, paternity, or legal decision-making (legal custody) case. This Order and Notice applies to all parents who file an action for dissolution of marriage, legal separation, or any paternity proceeding, in which a party has requested that the Court determine legal decision-making (legal custody) or parenting time on or after January 1, 1997, and to all other domestic relations cases if ordered by the Court. Make sure you read this order and notice and do what it says.
6. **NOTICE of your RIGHTS about HEALTH INSURANCE COVERAGE:** This is an important legal notice. Your rights to health insurance coverage could be affected after your divorce is final. Read this notice carefully. If you do not understand this notice, you should call an attorney for advice about your legal rights and obligations.
7. **NOTICE REGARDING CREDITORS:** Arizona law requires all actions for divorce or legal separation to include a Notice regarding the parties' responsibilities for community debts. This Notice provides you or your spouse the form to request account information from creditors about debt owed by you or your spouse.
8. **PARENTING PLAN:** This plan is a detailed plan that says how decisions will be made and when the child will be with each parent. The parenting plan may be developed by the parents, through mediation, with the help of court staff, lawyers, or by a judge after a trial or hearing.
9. **CHILD SUPPORT WORKSHEET:** This is the amount of child support that the other party believes the Court should order for the minor child(ren) including all of the information that the other party used to calculate the amount of child support owed.

**WHEN MUST YOU FILE YOUR RESPONSE?** If you decide to file the response, you have a limited time to file it. A **calendar** is helpful for you to find the last day you may respond.

- **LOOK AT THE TIME TABLE BELOW.** The first column, "**SERVICE BY**" shows the ways you may be served the court papers. In this column, find how you were served the Petition and Summons.
- **LOOK to the NEXT COLUMN called "COUNT"** (Across from the way you were served). Find the number of days. This is the amount of time you have to respond.
- **LOOK AT THE LAST COLUMN, titled "EVENT".** On a calendar, begin counting on the day after the date of the **EVENT**. End your calendar count using the number of days to respond. The calendar day you end on will be the **DATE**, which is your last day to respond. If the last day to respond falls on a Saturday, Sunday, or legal holiday, you do not count that day. Your last day to respond would be the next day.
- **INCLUDE WEEKENDS AND HOLIDAYS IN YOUR COUNT** -- until you reach the number of days in the Timetable below. If a written response is filed with the court on time, the Party A **CANNOT PROCEED BY DEFAULT**.



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**TIMETABLE: TIME to RESPOND**

<u>SERVICE BY</u>	<u>COUNT</u>	<u>EVENT</u>
Acceptance in Arizona	<b>20</b> Days	after you signed the Acceptance
Acceptance out-of-state	<b>30</b> Days	after you signed the Acceptance
Signature with Confirmation	<b>20</b> Days	after you signed the Confirmation
Signature with Confirmation out of state	<b>30</b> Days	after you signed the Confirmation
Process Server in Arizona	<b>20</b> Days	after you received papers from Server
Process Server out-of-state	<b>30</b> Days	after you received papers from Server
Sheriff in Arizona	<b>20</b> Days	after you received papers from Sheriff
Sheriff out-of-state	<b>30</b> Days	after you received papers from Sheriff
Publication in Arizona	<b>50</b> Days	after the 1st date of publication
Publication out-of-state	<b>60</b> Days	after the 1st date of publication

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**WHEN may a PARTY bring a DISSOLUTION CASE with CHILDREN, IN THE SUPERIOR COURT in ARIZONA?** Generally a party must have resided in Arizona with the minor children for at least 6 months; or the minor child must have been born in Arizona if the minor child is less than 6 months old. If you have questions regarding this requirement, see a lawyer before filing.

**WHEN can you BE SUED in ARIZONA for DISSOLUTION?**

A party can be sued in Arizona in a case about divorce, if at least **ONE** of the following is true:

- The person being sued is a resident of Arizona;
- The person was personally served in Arizona (See packet on service to know about this.);
- The person agrees to have the case heard here and files written papers in the court case;
- The person lived with the minor child in this state at some time;
- The person lived in this state and provided pre-birth expenses or support for the minor child;
- The minor child lives in this state as a result of the acts or directions of the person;
- The person had sexual intercourse in this state as a result of which the minor child may have been conceived;
- The person signed a birth certificate that is filed in this state;
- The person did any other acts that substantially connect the person with this state (see a lawyer to help you determine this).

**WARNING:** Jurisdiction over the responding party is very serious. If you have any doubts about whether it was proper for you to be sued in Arizona, you should see a lawyer **IMMEDIATELY, BEFORE** you file any written response, answer or other court paper.

## LAW LIBRARY RESOURCE CENTER

### PARENTING PLAN INFORMATION

#### **A.R.S. § 25-401 defines legal decision-making and parenting time as follows:**

1. **"Legal Decision-Making"** means the legal right and responsibility to make all nonemergency legal decisions for a child including those regarding education, health care, religious training and personal care decisions.
2. **"Joint Legal Decision-Making"** means both parents share decision-making and neither parent's rights nor responsibilities are superior except with respect to specified decisions as set forth by the Court or the parents in the final judgment or order.

**PARENTS PLEASE NOTE:** Per A.R.S. § 25-403.09, an award of joint legal decision-making or a substantially equal parenting time plan does not diminish the responsibility of either parent to provide for the support of the child. Also note that joint legal decision-making does not necessarily mean equal parenting time. A.R.S. § 25-403.02(E)

3. **"Sole Legal Decision-Making"** means one parent has the legal right and responsibility to make major decisions for a child.
4. **"Parenting Time"** means the schedule of time during which each parent has access to a child at specified times. Each parent during their scheduled parenting time is responsible for providing the child with food, clothing and shelter and may make routine decisions concerning the child's care.

You may view the "Parenting Time Guidelines" online at the Arizona Supreme Court's website.

#### **Drafting a Parenting Plan:**

The written parenting plan pays attention to how the parents will make decisions pertaining to the child(ren)'s education, health care, religious training, and personal care; it is a blend of specific information with generalized plans of action. It should reflect what the parents are currently doing or what they actually plan to do. It should reflect a commitment to the minor child(ren)'s needs as predominant.

If the parents cannot agree on a plan for legal decision-making or parenting time, each parent must submit a proposed parenting plan. A.R.S. § 25-403.02(A)

**In order for the Court to approve a parenting plan, A.R.S. § 25-403.02 requires the Court to make the following findings:**

- a. The best interests of the minor child(ren) are served;
- b. The plan designates legal decision-making as joint or sole;
- c. The plan sets forth each parent's rights and responsibilities for the personal care of the minor child(ren) and for decisions in areas such as education, health care, and religious training;
- d. The plan provides a practical schedule of parenting time for the child, including holidays and school vacations;

- e. The plan includes a procedure for exchanges of the child, including location and responsibility for transportation;
- f. The plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved, which may include the use of Conciliation Services or private counseling;
- g. The plan includes a procedure for periodic review (e.g., parents agree to review the terms of the agreement every 12 months.);
- h. The plan includes a procedure for communicating with each other about the child, including methods and frequency;
- i. The plan includes a statement that each party has read, understands, and will abide by the notification requirements of A.R.S. § 25-403.05(B). (A parent must immediately notify the other parent if the parent knows that a convicted/registered sex offender or a person who has been convicted of a dangerous crime against children may have access to the child. Notice must be provided (i) by first class mail, return receipt requested, (ii) by electronic means to an e-mail address the recipient provided to the parent for notification purposes, or (iii) by other communication accepted by the Court.)

The following questions may be used as a starting place when drafting a parenting plan:

1. **The geographical location of the parents:** Where do parents live relative to one another? What are their addresses? Permanent or temporary?
2. **Arrangements regarding the residential requirements of the minor child(ren):** How much time will the minor child(ren) spend with each parent? Be as specific as possible, including days and times.
3. **Arrangements for holidays and vacations:** What are your plans for summer vacation and school breaks? List specific details including dates and times.
4. **Arrangements for education:** How will decisions be made for educational matters? For example, if preschool age, what school will the minor child(ren) attend? If private school, who pays what?
5. **Additional transportation arrangements:** Will any additional transportation arrangements be needed? If so, what will be the responsibilities of each parent?
6. **Determinations regarding minor child(ren)'s health care:** For example, how will medical decisions be made? Who will provide insurance? How are non-insured expenses paid? Who decides on seeking non-emergency treatment? Is there a dental plan? If not, who will pay what?
7. **Arrangements regarding extraordinary expenses:** For example, what financial arrangements are made for the minor child(ren) (such as each sharing extraordinary expenditures and the parent with whom the minor child(ren) resides bearing the ordinary ones during the minor child(ren)'s residency)? A fixed amount per month?
8. **Arrangements for minor child(ren)'s religious training, if any:** For example, how will decisions be made for religious training? What, if any, are the plans for religious training?
9. **Any other factors:** What other arrangements (such as music lessons, sports/activity fees, camp or Scouts) are needed?

Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_

For Clerk's Use Only

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

## SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Case No. \_\_\_\_\_

Petitioner / Party A

ATLAS No. \_\_\_\_\_

Respondent / Party B

**FAMILY DEPARTMENT/ SENSITIVE DATA  
COVERSHEET WITH CHILDREN  
(CONFIDENTIAL RECORD)**

Fill out. File with Clerk of Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLP 43(G)(1).

**A. Personal Information:**

**Petitioner**

**Respondent**

Name

Gender

☐ Male or ☐ Female

☐ Male or ☐ Female

Date of Birth (Month/Day/Year)

Social Security Number

**WARNING: DO NOT INCLUDE MAILING ADDRESS ON THIS FORM  
IF REQUESTING ADDRESS PROTECTION**

Mailing Address

City, State, Zip Code

Contact Phone

Email Address

Current Employer Name

Employer Address

Employer City, State, Zip Code

Employer Telephone Number

Employer Fax Number

**B. Child(ren) Information:**

Child Name

Gender

Child Social Security Number

Child Date of Birth

**C. Type of Case being filed - Check only one category.**

*\*Check only if no other category applies*

☐ Dissolution (Divorce)

☐ Legal Separation

☐ Annulment

☐ Order of Protection

☐ Paternity

☐ \*Legal Decision-Maker  
(Custody)/Visitation

☐ \*Child Support

☐ Other

**Interpreter Needed:**

☐ Yes ☐ No

If yes, what language?

☐ Register Foreign Order

**DO NOT COPY THIS DOCUMENT. DO NOT SERVE THIS DOCUMENT TO THE OTHER PARTY.**

Person Filing: (A) \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

## SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

\_\_\_\_\_  
Name of Petitioner (B) / Party A

Case Number: (C) \_\_\_\_\_

ATLAS Number: \_\_\_\_\_  
(if applicable)

\_\_\_\_\_  
Name of Respondent / Party B

### RESPONSE TO PETITION FOR DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) WITH MINOR CHILDREN

### STATEMENTS TO THE COURT, UNDER OATH OR AFFIRMATION:

#### 1. INFORMATION ABOUT MY SPOUSE

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Job Title: \_\_\_\_\_  
Starting with today, number of months/years in a row, my spouse has lived in Arizona: \_\_\_\_\_

#### 2. INFORMATION ABOUT ME

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Job Title: \_\_\_\_\_  
Starting with today, number of months/years in a row, I have lived in Arizona: \_\_\_\_\_

#### 3. INFORMATION ABOUT OUR MARRIAGE

Date of Marriage: \_\_\_\_\_  
City and state, or country where we were married: \_\_\_\_\_

(Check box below if true.)

- ☐ **We have a covenant marriage. I have attached a copy of my marriage license to show that we have a covenant marriage. (Warning: If this statement is true, divorce cannot be granted based on a petition filed relating to a NON-Covenant marriage. You may skip to page 8, "Requests to the Court", (A), or file a separate motion to dismiss the Petition for Dissolution of Non-Covenant Marriage, and then petition the Court for a Dissolution of a Covenant Marriage, if you want a divorce.)**

- ☐ Our marriage is irretrievably broken and there is no reasonable prospect of reconciliation. (Our marriage is over.) The conciliation requirements under Arizona law, A.R.S. § 25-381.09 either do not apply or have been met.

OR

- ☐ Our marriage is **not irretrievably broken** and there are reasonable prospects of reconciliation. The conciliation requirements under Arizona law, A.R.S. § 25-381.09 either apply or have not been met. Explain to the court why you disagree with my spouse's statement (that the marriage is irretrievably broken):

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Summary of what I say about **OUR MARRIAGE** that is different from what my spouse said in the Petition:

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4. **90 DAY REQUIREMENT:** ☐ Neither I nor my spouse have lived, or have been stationed while a member of the Armed Forces, in Arizona for at least 90 days before my spouse filed this action. (**WARNING:** If this statement is true, your spouse **cannot** proceed. You may skip to page 8, "Requests to the Court", (A)) or simply file a separate motion to dismiss the case, and then petition the court for a divorce when the statement IS true.)

5. **DOMESTIC VIOLENCE:** (Check the box that is true. If you intend to ask for joint legal decision-making (joint legal custody), there must have been no "significant" domestic violence. A.R.S. § 25-403.03):

- ☐ Domestic violence has not occurred, **OR**  
☐ Domestic violence has occurred but it has not been significant.  
☐ There has been significant domestic violence.

**SUMMARY OF WHAT I SAY ABOUT DOMESTIC VIOLENCE THAT IS DIFFERENT FROM WHAT MY SPOUSE SAID IN THE PETITION:**

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6. **CHILDREN COMMON to THE PARTIES WHO ARE LESS THAN 18 YEARS OLD:**

- ☐ There are no children under the age of 18 either born to or adopted by Party A and Party B. **NOTE: if you checked this box, stop. You should be using the petition packet to get a divorce without children.**

- ☐ This court does **not have jurisdiction** to determine legal decision-making (legal custody) concerning minor child(ren) common to the parties under Arizona law because the minor children have not lived with Party A or Party B in Arizona for at least 6 months prior to the Petition being filed. **Explain:** (There are other reasons why the court may not have jurisdiction due to the residence of the children. See a lawyer for help.)

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- ☐ This court has **jurisdiction** to determine legal decision-making (legal custody) concerning the minor child(ren) common to the parties under Arizona law because the minor child(ren) have lived with Party A or Party B in Arizona for *at least* the 6 months prior to the Petition being filed.
- ☐ Listed below are children still under the age of 18 born to or adopted by Party A and Party B, and where indicated, born before the marriage.

Child's Name:	_____	<input type="checkbox"/> Born prior to marriage
Birthdate:	_____	
Address:	_____	
Length of Time at Address:	_____	

Child's Name:	_____	<input type="checkbox"/> Born prior to marriage
Birthdate:	_____	
Address:	_____	
Length of Time at Address:	_____	

Child's Name:	_____	<input type="checkbox"/> Born prior to marriage
Birthdate:	_____	
Address:	_____	
Length of Time at Address:	_____	

Child's Name:	_____	<input type="checkbox"/> Born prior to marriage
Birthdate:	_____	
Address:	_____	
Length of Time at Address:	_____	

Child's Name:	_____	<input type="checkbox"/> Born prior to marriage
Birthdate:	_____	
Address:	_____	
Length of Time at Address:	_____	

- ☐ Information for additional children is listed on attached page(s), made part of this document.

**7. PREGNANCY (Check box to indicate whether either party is currently pregnant, etc.)**

☐ Party A ☐ is or ☐ is **not** pregnant, OR

☐ Party B ☐ is or ☐ is **not** pregnant,

If either party is pregnant, the baby is due on \_\_\_\_\_ (date), (and, check one box below):

☐ Party A and Party B are the parents of the child, **OR**

☐ Party A or ☐ Party B is **not** a parent of the child.

**8. SUMMARY OF WHAT I WANT OR SAY CONCERNING OUR MINOR CHILD(REN) THAT IS DIFFERENT FROM WHAT MY SPOUSE SAID OR ASKED FOR IN THE PETITION and AFFIDAVIT OF MINOR CHILDREN.**

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**9. INFORMATION ABOUT PROPERTY and DEBTS.****9.a. COMMUNITY PROPERTY: (Property acquired during the marriage) (Check one box.)**

- ☐ Party A and Party B did not acquire any community property during the marriage, OR
- ☐ Party A or Party B did acquire community property during the marriage, and should divide it as follows: (List the property and the value of the property, and check the box to tell the Court who should get the property.)

**WARNING:** You must be specific. You must describe the property that should go to you, and then check the box, and describe the property that should go to your spouse, and check the box. For example, under household furnishings you could say, blue and white living room sofa, and then check the box to say whether it should go to you, or to your spouse. Never list an item and then check both Party B and Party A boxes.

	Party A	Party B	Value
<input type="checkbox"/> Real estate located at: _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

Legal Description: \_\_\_\_\_

	Party A	Party B	Value
<input type="checkbox"/> Real estate located at: _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

Legal Description: \_\_\_\_\_

	Party A	Party B	Value
<input type="checkbox"/> Household furniture and appliances:			
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

	Party A	Party B	Value
<input type="checkbox"/> Household furnishings:			
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

	Party A	Party B	Value
<input type="checkbox"/> Other items:			
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____



<input type="checkbox"/>	<b>Pension/retirement fund/profit sharing/stock plan/401K:</b>	<b>Party A</b>	<b>Party B</b>	<b>Value</b>
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

<input type="checkbox"/>	<b>Motor vehicles:</b>	<b>Party A</b>	<b>Party B</b>	<b>Value</b>
	Make _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	Model _____			
	VIN _____			
	Lien Holder _____			

<input type="checkbox"/>	<b>Motor vehicles:</b>	<b>Party A</b>	<b>Party B</b>	<b>Value</b>
	Make _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	Model _____			
	VIN _____			
	Lien Holder _____			

**9.b. SEPARATE PROPERTY. (Check all boxes that apply.)**

- ☐ Party A does **not** have any separate property.
- ☐ Party B does **not** have any separate property.
- ☐ Party A has separate property that was brought into the marriage. Award this property to Party A as described below.
- ☐ Party B has separate property that was brought into the marriage. Award this property to Party B as described below.

**Separate Property:** (List the property and the value of the property, and check the box to tell the Court who should get the property.)

<b>DESCRIPTION OF SEPARATE PROPERTY:</b>	<b>Party A</b>	<b>Party B</b>	<b>Value</b>
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

**9.c. COMMUNITY DEBTS (Debt that was incurred during the marriage): (Check one box.)**

- ☐ Party A and Party B did **not** incur any community debts during the marriage, **OR**
- ☐ Party A and Party B should divide the responsibility for the debts incurred during the marriage as follows:

<b>DESCRIPTION OF DEBT:</b>	<b>Party A</b>	<b>Party B</b>	<b>Amount Owed</b>
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

**9.d. SEPARATE DEBTS. (Check all boxes that apply.)**

- ☐ Party A and Party B do **not** have any debts that were incurred prior to the marriage or separate debt.
- OR**
- ☐ Party A has separate debt that was incurred prior to the marriage which should be paid by Party A as described below.
- ☐ Party B has separate debt that was incurred prior to the marriage that should be paid by Party B as described below.

DESCRIPTION OF DEBT:	Party A	Party B	Amount Owed
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

**10. SUMMARY OF WHAT I REQUEST CONCERNING PROPERTY AND DEBTS THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION:**


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**11. TAX RETURNS: (Check this box if this is what you want).**

- ☐ After the Judge or Commissioner signs the Decree of Dissolution of Marriage (Divorce), we will, subject to IRS Rules and Regulations, pay federal and state taxes as follows: For the calendar year (the year that the Decree is signed) and all future calendar years, each party will, subject to IRS Rules and Regulations, file separate federal and state income tax returns. Each party will give the other party all necessary documentation to do so.
- ☐ For previous years (the years we were married, **not** including the year the Decree was signed), (check one box)
- ☐ The parties will file **joint** federal and state income tax returns. For previous calendar years, both parties will pay, and hold the other harmless from, 1/2 of all additional income taxes if any and other costs and each will share equally in any refunds. **OR**
- ☐ The parties will file **separate** federal and state income tax returns. For previous calendar years, each party will pay and hold the other harmless from any income taxes and/or incurred as a result of the filing of that party's tax return and each party will be awarded 100% of any refund received as a result of the filing of that party's tax return.

**12. SPOUSAL MAINTENANCE (ALIMONY): (Check the box that applies to you.)**

- ☐ **Neither party is entitled to spousal maintenance (alimony), OR**
- ☐ Party A **OR** ☐ Party B is entitled to spousal maintenance because: (Check one or more of the box(es) below that apply. At least one reason must apply to get spousal maintenance)
- ☐ Person lacks sufficient property to provide for his/her reasonable needs;
- ☐ Person is unable to support himself/herself through appropriate employment;
- ☐ Person is the custodian of a child(ren) whose age or condition is such that the person should not be required to seek employment outside the home;
- ☐ Person lacks earning ability in the labor market adequate to support himself/herself; and,
- ☐ Person contributed to the educational opportunities of the other spouse or had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself/herself.

**13. SUMMARY OF WHAT I REQUEST REGARDING SPOUSAL MAINTENANCE THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION:**

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**14. DRUG / ALCOHOL CONVICTION WITHIN LAST TWELVE MONTHS:** (If you intend to ask for joint legal decision-making (joint legal custody), check one box.)

☐ **Neither party has been convicted** for a drug offense or driving under the influence of drugs or alcohol in the last twelve (12) months,

☐ **One or both parties have been convicted** for a drug offense or driving under the influence of drugs or alcohol in the last twelve (12) months.

☐ **Party A** was convicted.

☐ **Party B** was convicted.

The legal decision-making (legal custody) and parenting time arrangement I am requesting appropriately protects the minor child(ren). Explain how this arrangement appropriately protects the minor child(ren).

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Summary of what I say about **DRUG OR ALCOHOL CONVICTIONS** that is different from what my spouse said in the Petition:

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**15. CHILD SUPPORT:**

☐ There is an Order for Child Support, dated \_\_\_\_\_ from (name of court) \_\_\_\_\_.

☐ To my knowledge there is no child support order for the minor child(ren) and the Court ☐ should ☐ should not order child support in this case along with legal decision-making (legal custody), and parenting time.

☐ ☐ Party A ☐ Party B made voluntary / direct support payments that need to be taken into account, if past support is requested.

- ☐ ☐ Party A ☐ Party B owes past support for the period between:
- ☐ the date the petition was filed and the date current child support is ordered.
- OR
- ☐ the date the parties started living apart, but not more than three years before the date the petition was filed, and the date current child support is ordered.

**16. OTHER EXPENSES:**

- ☐ The parties should be ordered to divide between them any uninsured medical, dental, vision or health expenses, reasonably incurred for the minor child(ren), in proportion to their respective incomes.

Summary of what I say about **CHILD SUPPORT AND EXPENSES** that is different from what my spouse said in the Petition:

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**17. WRITTEN AGREEMENT:**

- ☐ Party A and Party B have a written agreement signed by both parties about the maintenance of a spouse, division of property/debt, where the children will live, authority for legal decision-making concerning the children (legal custody), parenting time, and child support, **AND** I have attached a copy of the written agreement.

**18. THE PARENT INFORMATION PROGRAM** is required for persons seeking legal decision-making (legal custody) or parenting time. (Check one box.)

I ☐ **have** ☐ **have not** already completed the Parenting Information Program.

**19. GENERAL DENIAL.** I deny anything stated in the Petition that I have not specifically admitted, qualified or denied.**REQUESTS TO THE COURT:****A. DISSOLUTION (DIVORCE):**

- ☐ Dissolve the parties' marriage and return each party to the status of a single person;
- ☐ Deny the petition and refuse to dissolve the marriage because:
- ☐ We have a covenant marriage;
- ☐ Neither of us meets the 90 day **residency requirement**;
- ☐ Our marriage is not irretrievably broken;
- ☐ Dissolve the marriage and return each party to status of a single person, but refuse to decide child legal decision-making (legal custody) matters due to lack of jurisdiction because the minor children have not lived in Arizona for at least the 6 months prior to the Petition being filed.

**B. RESTORE NAME:**

I took the name of my spouse at the time of marriage and I want to restore my last name to the name I used before this marriage or to my maiden name.

**My complete married name is:**

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**I want my name restored to:** (List complete maiden or legal name before this marriage):

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**WARNING:** If you are not the person who is requesting to have your former name restored, the Court must have a written request from the party who wants his or her name restored to change the name.

**C. PATERNITY and MINOR CHILD(REN)'S NAMES: (Check one box, if this is what you want.)**

Declare ☐ Party A ☐ Party B to be a parent of the following named minor child(ren) born before the marriage and (optional) change the legal name of those minor child(ren) to the name listed on the right, below:

**Current Legal Name**

**(Optional) Change the name of the child to:**



**D. PRIMARY RESIDENCE, PARENTING TIME, AND AUTHORITY FOR LEGAL DECISION-MAKING (LEGAL CUSTODY):**

**1. PRIMARY RESIDENCE:** Declare which residence is designated as "Primary Residence" for each minor child as follows:

☐ Neither party's home is designated as the primary residence for the minor child(ren)

☐ Declare Party A's residence as the primary residence for the following named children:

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☐ Declare Party B's residence as the primary residence for the following named children:

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**SUBJECT TO PARENTING TIME, AS FOLLOWS:**

**2. PARENTING TIME:** Award parenting time as follows:

☐ Reasonable parenting time as described in the attached Parenting Plan, OR

☐ Supervised parenting time between the children and ☐ Party A OR ☐ Party B, OR

☐ No parenting time rights to ☐ Party A OR ☐ Party B.

**Supervised or no parenting time is in the best interests of the child(ren) because:**

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☐ Explanation continues on attached pages made part of this document by reference.

- a. Name this person to supervise: \_\_\_\_\_
- b. Restrict parenting time as follows: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- c. Order cost of supervised parenting time (if applicable) to be paid by:  
☐ Party A;  
☐ Party B, **OR**  
☐ Shared equally by the parties.

### 3. **AUTHORITY FOR LEGAL DECISION-MAKING (LEGAL CUSTODY):**

**Award legal authority to make decisions (legal custody) concerning the child(ren) as follows:**

☐ **AWARD SOLE AUTHORITY FOR LEGAL DECISION-MAKING to:**

☐ Party A **OR** ☐ Party B

**OR**

☐ **AWARD JOINT AUTHORITY FOR LEGAL DECISION-MAKING to BOTH PARENTS.**  
**Party A and Party B will act as joint legal decision-makers concerning the minor child(ren). (Note: For the court to order "joint" legal decision-making, there must have been no "significant" domestic violence according to Arizona law, A.R.S. § 25-403.03).**

### E. **CHILD SUPPORT:**

- ☐ Order that child support be paid by: ☐ Party A **OR** ☐ Party B in a reasonable amount as determined by the court under the **"Arizona Child Support Guidelines."** Support payments will begin on the first day of the first month after the Judge or Commissioner signs the Decree with all payments, plus the statutory handling fee, to be paid through the Support Payment Clearinghouse, PO Box 52107, Phoenix, Arizona 85072-7107 by income withholding order.
- ☐ Order that **past child support by paid by** ☐ Party A **OR** ☐ Party B in an amount determined by using a retroactive application of the Arizona Child Support Guidelines taking into account any amount of temporary or voluntary/direct support that has been paid. Support to be paid as defined above.

The Child Support Order to be attached to the Decree of Dissolution of Marriage.

### F. **MEDICAL, DENTAL, VISION INSURANCE AND HEALTH CARE EXPENSES FOR MINOR CHILD(REN): Order that:**

- ☐ **Party A** should be responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.
- ☐ **Party B** should be responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.

The parties should pay for all reasonable unreimbursed medical, dental, vision care and health-related expenses incurred for the minor child(ren) in proportion to their respective incomes.

**G. TAX EXEMPTION:**

- ☐ Allocate tax exemptions for the minor child(ren) as determined by the Court under the Arizona Child Support Guidelines and in a manner that allows each party to claim allowable federal dependency exemptions proportionate to adjusted gross income in a reasonable pattern that can be repeated.
- ☐ The parties will, subject to IRS Rules and Regulations, claim the children as income tax dependency exemptions on federal and state income tax returns as follows:

Parent entitled to claim	Name of minor child	in Tax Year
<input type="checkbox"/> Party A <input type="checkbox"/> Party B	_____	_____
<input type="checkbox"/> Party A <input type="checkbox"/> Party B	_____	_____
<input type="checkbox"/> Party A <input type="checkbox"/> Party B	_____	_____
<input type="checkbox"/> Party A <input type="checkbox"/> Party B	_____	_____
<input type="checkbox"/> Party A <input type="checkbox"/> Party B	_____	_____

☐ The Pattern above shall repeat for subsequent years.

**NOTE:** Under the Affordable Care Act, the party who claims the child as a dependent on a federal tax return has the obligation to ensure that the child is covered by medical insurance and may be penalized by the IRS for failing to do so.

**H. SPOUSAL MAINTENANCE (ALIMONY):**

- ☐ Do not order spousal maintenance.
- ☐ Order spousal maintenance to be paid by ☐ Party A or ☐ Party B in the amount of \$ \_\_\_\_\_ per month beginning with the first day of the month after the Judicial Officer signs the Decree and continuing until the person receiving spousal maintenance is remarried or deceased, or for a period of \_\_\_\_\_ months. These payments, and a fee for handling, will be paid through the Support Payment Clearinghouse, PO Box 52107, Phoenix, Arizona 85072-7107 by income withholding order.

**I. COMMUNITY PROPERTY:**

- ☐ Make a fair division of all community property as requested in this Response.

**J. COMMUNITY DEBTS:**

- ☐ Order each party to pay community debts as requested in this Response, and to pay any other community debts unknown to the other party. Order each party to pay and hold the other party harmless from debts incurred by Party A or Party B:

☐ Since separation on \_\_\_\_\_ (date)

OR

☐ Since the date I was served with the Petition for Dissolution.

**K. SEPARATE PROPERTY:**

- ☐ Award Party A's separate property to Party A.
- ☐ Award Party B's separate property to Party B.

**L. SEPARATE DEBT:** Order each party to pay separate debt and hold the other party harmless from debts incurred before the marriage.

**M. OTHER ORDERS I AM REQUESTING** (Explain request here):

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## OATH OR AFFIRMATION AND VERIFICATION

I swear or affirm that the information in this document is true and correct under penalty of perjury.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn to or affirmed before me this: \_\_\_\_\_ by  
(date)

\_\_\_\_\_.

(notary seal)

\_\_\_\_\_  
Deputy Clerk or Notary Public

Copy of this document mailed to the other party on: \_\_\_\_\_  
Month / Date / Year

To the following address:

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Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_

For Clerk's Use Only

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

## SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

\_\_\_\_\_  
Name of Petitioner / Party A

Case Number: \_\_\_\_\_

AND

### PARENTING PLAN FOR:

☐ JOINT LEGAL DECISION-MAKING (JOINT LEGAL CUSTODY) WITH JOINT LEGAL DECISION-MAKING (JOINT LEGAL CUSTODY) AGREEMENT

Or

☐ SOLE LEGAL DECISION-MAKING (SOLE LEGAL CUSTODY)

☐ to Party A

☐ to Party B

\_\_\_\_\_  
Name of Respondent / Party B

## INSTRUCTIONS

**This document has 4 parts:** PART 1) General Information; PART 2) Legal Decision-Making (Legal Custody) and Parenting Time; PART 3) Danger to Children Notification Statement; and PART 4) Joint Legal Decision-Making (Joint Legal Custody) Agreement. Where this form refers to "children" it refers to any and all minor children common to the parties whether one or more.

**One or both parents must complete and sign the Plan as follows:**

- a. If only *one* parent is submitting the Plan: that parent must sign at the end of PART 2 and 3.
- b. If both parents agree to legal decision-making (legal custody) and parenting time arrangements *but not to joint legal decision-making (legal custody)*: Both parents must sign the Plan at the end of PART 2 and 3.
- c. If both parents agree to joint legal decision-making (joint legal custody) and parenting time arrangements as presented in the Plan: Both parents must sign the Plan at the end of PART 2, 3, and 4.

**PART 1: GENERAL INFORMATION:**

- A. MINOR CHILDREN.** This Plan concerns the following minor children:  
(Use additional paper if necessary)

_____	_____
_____	_____
_____	_____

- B. THE FOLLOWING LEGAL DECISION-MAKING (LEGAL CUSTODY) ARRANGEMENT IS REQUESTED:**

(Choose ONE of 1, 2, 3, 4.) (If you chose "sole legal decision-making authority" [1 or 2], you have the option of also requesting restrictions on the parenting time of the other party.

- ☐ **1. SOLE LEGAL DECISION-MAKING (SOLE LEGAL CUSTODY) BY AGREEMENT.**

The parents agree that sole legal decision-making authority (sole legal custody) should be granted to

☐ Party A    ☐ Party B.

The parents agree that since each has a unique contribution to offer to the growth and development of their minor children, each of them will continue to have a full and active role in providing a sound moral, social, economic, and educational environment for the benefit of the minor children, as described in the following pages,

**OR**

- ☐ **2. SOLE LEGAL DECISION-MAKING (SOLE LEGAL CUSTODY) REQUESTED BY THE PARENT SUBMITTING THIS PLAN.** The parents cannot agree to the terms of legal decision-making (legal custody) and parenting time. The parent submitting this Plan asks the Court to order sole legal decision-making authority and parenting time according to this Plan.

(Optional, if you marked 1 or 2 above)

- ☐ **RESTRICTED, SUPERVISED, OR NO PARENTING TIME.**

The parent submitting this Plan asks the court for an order restricting parenting time. The facts and information related to this request are described in the Petition or Response.

**OR**

- ☐ **3. JOINT LEGAL DECISION-MAKING (JOINT LEGAL CUSTODY) BY AGREEMENT.**  
The parents agree to joint legal decision-making (joint legal custody) and request the Court to approve the joint legal decision-making arrangement as described in this Plan.

☐      ☐

**OR**

- ☐ **4. JOINT LEGAL DECISION-MAKING AUTHORITY (JOINT LEGAL CUSTODY) REQUESTED BY THE PARENT SUBMITTING THIS PLAN.** The parents cannot agree to the terms of legal decision-making and parenting time **or** are unable to submit this plan together at this time. My request for joint legal decision-making authority is deferred for the Court's determination.

**PART 2: PHYSICAL CUSTODY AND PARENTING TIME.** Complete each section below. Be specific about what you want the Judge to approve in the court order.

**A. (School Year) WEEKDAY AND WEEKEND TIME-SHARING SCHEDULE:**

- ☐ The minor children will be in the care of Party A as follows: (Explain). \_\_\_\_\_
- ☐ The minor children will be in the care of Party B as follows: (Explain). \_\_\_\_\_
- ☐ Other physical custody arrangements are as follows: (Explain). \_\_\_\_\_
- ☐ Transportation will be provided as follows:
- ☐ **Party A** or ☐ **Party B** will pick the minor children up at \_\_\_\_\_ o'clock.
- ☐ **Party A** or ☐ **Party B** will drop the minor children off at \_\_\_\_\_ o'clock.

Parents may change their time-share arrangements by mutual agreement with at least \_\_\_\_\_ days' notice in advance to the other parent.

**B. SUMMER MONTHS OR SCHOOL BREAK LONGER THAN 4 DAYS:** The weekday and weekend schedule described above will apply for all 12 calendar months **EXCEPT:**

- ☐ During summer months or school breaks that last longer than 4 days, no changes shall be made. **OR,**
- ☐ During summer months or school breaks that last longer than 4 days, the minor children will be in the care of Party A: (Explain) \_\_\_\_\_
- ☐ During summer months or school breaks that last longer than 4 days, the minor children will be in the care of Party B: (Explain) \_\_\_\_\_
- ☐ Each parent is entitled to a \_\_\_\_\_ week period of vacation time with the minor children. The parents will work out the details of the vacation at least \_\_\_\_\_ days in advance.

**C. TRAVEL**

- ☐ Should either parent travel out of the area with the minor children, each parent will keep the other parent informed of travel plans, address(es), and telephone number(s) at which that parent and the minor children can be reached.
- ☐ Neither parent shall travel with the minor children outside Arizona for longer than \_\_\_\_\_ days without the prior written consent of the other parent or order of the court.

- D. HOLIDAY SCHEDULE:** The holiday schedule takes priority over the regular time-sharing schedule as described above. Check the box(es) that apply and indicate the years of the holiday access/Parenting time schedule.

Holiday	Even Years		Odd Years	
<input type="checkbox"/> New Year's Eve	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> New Year's Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Spring Vacation	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Easter	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> 4th of July	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Halloween	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Veteran's Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Thanksgiving	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Hanukkah	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Christmas Eve	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Christmas Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Winter Break	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Child's Birthday	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Mother's Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Father's Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B

- ☐ **Each parent may have the children on his or her birthday.**
- ☐ **Three-day weekends** which include Martin Luther King Day, Presidents' Day, Memorial Day, Labor Day, Columbus Day, the children will remain in the care of the parent who has the minor children for the weekend.
- ☐ **Other Holidays** (Describe the other holidays and the arrangement) : \_\_\_\_\_

- ☐ **Telephone Contact:** Each parent may have telephone contact with the minor children during the children's normal waking hours, **OR:** (Explain) \_\_\_\_\_

- ☐ **Other** (Explain) : \_\_\_\_\_

- E. PARENTAL ACCESS TO RECORDS AND INFORMATION:** Under Arizona law (A.R.S. §25-403.06), unless otherwise provided by court order or law, on reasonable request, both parents are entitled to have equal access to documents and other information concerning the minor children's education and physical, mental, moral and emotional health including medical, school, police, court and other records. A person who does not comply with a reasonable request for these records shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to make the other parent obey this request. A parent who attempts to restrict the release of documents or information by the custodian of the records without a prior court order is subject to legal sanctions.

**F. EDUCATIONAL ARRANGEMENTS:**

- ☐ Both parents have the right to participate in school conferences, events and activities, and the right to consult with teachers and other school personnel.
- ☐ Both parents will make major educational decisions together. (optional) ☐ If the parents do not reach agreement, then: \_\_\_\_\_

**OR**

- ☐ Major educational decisions will be made by ☐ Party A ☐ Party B after consulting other parent.

**G. MEDICAL AND DENTAL ARRANGEMENTS:**

- ☐ Both parents have the right to authorize emergency medical treatment, if needed, and the right to consult with physicians and other medical practitioners. Both parents agree to advise the other parent immediately of any emergency medical/dental care sought for the minor children, to cooperate on health matters concerning the children and to keep one another reasonably informed. Both parents agree to keep each other informed as to names, addresses and telephone numbers of all medical/dental care providers.
- ☐ Both parents will make major medical decisions together, except for emergency situations as noted above. (optional) ☐ If the parents do not reach an agreement, then: \_\_\_\_\_

**OR**

- ☐ Major medical/dental decisions will be made by ☐ Party A ☐ Party B after consulting other parent.

**H. RELIGIOUS EDUCATION ARRANGEMENTS: (Choose ONE)**

- ☐ Each parent may take the minor children to a church or place of worship of his or her choice during the time that the minor children is/are in his or her care.
- ☐ Both parents agree that the minor children may be instructed in the \_\_\_\_\_ faith.
- ☐ Both parents agree that religious arrangements are not applicable to this plan.

**I. ADDITIONAL ARRANGEMENTS AND COMMENTS:**

- ☐ **NOTIFY OTHER PARENT OF ADDRESS CHANGE.** Each parent will inform the other parent of any change of address and/or phone number in advance **OR** within \_\_\_\_\_ days of the change.
- ☐ **NOTIFY OTHER PARENT OF EMERGENCY.** Both parents agree that each parent will promptly inform the other parent of any emergency or other important event that involves the minor children.
- ☐ **TALK TO OTHER PARENT ABOUT EXTRA ACTIVITIES.** Each parent will consult and agree with the other parent regarding any extra activity that affects the minor children's access to the other parent.
- ☐ **ASK OTHER PARENT IF HE/SHE WANTS TO TAKE CARE OF CHILDREN.** Each parent agrees to consider the other parent as care-provider for the minor children before making other arrangements
- ☐ **OBTAIN WRITTEN CONSENT BEFORE MOVING.** Neither parent will move with the minor children out of the Phoenix metropolitan area without prior written consent of the other parent, or a court ordered Parenting Plan. **A.R.S. 25-408 (B)**
- ☐ **COMMUNICATE.** Each parent agrees that all communications regarding the minor children will be between the parents and that they will **not** use the minor children to convey information or to set up parenting time changes.
- ☐ **METHOD OF COMMUNICATION.** Each parent agrees to use the following means of communication:  
\_\_\_\_\_.
- ☐ **FREQUENCY OF COMMUNICATION.** Each parent agrees to communicate regarding the child(ren) on a regular basis. That communication schedule will be:  
\_\_\_\_\_  
and will be by the following methods: ☐ Phone ☐ Email ☐ Other
- ☐ **PRAISE OTHER PARENT.** Each parent agrees to encourage love and respect between the minor children and the other parent, and neither parent shall do anything that may hurt the other parent's relationship with the minor children
- ☐ **COOPERATE AND WORK TOGETHER.** Both parents agree to exert their best efforts to work cooperatively in future plans consistent with the best interests of the minor children and to amicably resolve such disputes as may arise.
- ☐ **NOTIFY OTHER PARENT OF PROBLEMS WITH TIME-SHARING AHEAD OF TIME.** If either parent is unable to follow through with the time-sharing arrangements involving the minor child(ren), that parent will notify the other parent as soon as possible.
- ☐ **PARENTING PLAN.** Both parents agree that if either parent moves out of the area and returns later, they will use the most recent ***"Parenting Plan/Access Agreement"*** in place before the move.
- ☐ **MEDIATION.** If the parents are unable to reach a mutual agreement regarding a legal change to their parenting orders, they may request mediation through the court or a private mediator of their choice.

**NOTICE: DO NOT DEVIATE FROM PLAN UNTIL DISPUTE IS RESOLVED.**

Both parents are advised that while a dispute is being resolved, neither parent shall deviate from this Parenting Plan, or act in such a way that is inconsistent with the terms of this agreement.

Once this Plan has been made an order of the Court, if either parent disobeys the court order related to parenting time with the children, the other parent may submit court papers to request enforcement. See the Law Library Resource Center packets "To Make Someone Obey a Court Order" for help.

**PART 2: SIGNATURE OF ONE OR BOTH PARENTS** (as instructed on page 1)

Signature of Party A: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Party B: \_\_\_\_\_ Date: \_\_\_\_\_

**PART 3: STATEMENT REGARDING CONTACT WITH SEX OFFENDERS AND PERSONS CONVICTED OF DANGEROUS CRIMES AGAINST CHILDREN.**

According to A.R.S. §25-403.05, a child's parent or custodian must immediately notify the other parent or custodian if the person knows that a convicted or registered sex offender or someone who has been convicted of a dangerous crime against children may have access to the child.

The parent or custodian must provide notice by first class mail, return receipt requested, by electronic means to an electronic mail address that the recipient provided to the parent or custodian for notification purposes or by another form of communication accepted by the court.

According to A.R.S. § 13-705 (P) (1), "Dangerous crime against children" means any of the following that is committed against a minor who is under fifteen years of age:

- (a) Second degree murder.
- (b) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.
- (c) Sexual assault.
- (d) Molestation of a child.
- (e) Sexual conduct with a minor.
- (f) Commercial sexual exploitation of a minor.
- (g) Sexual exploitation of a minor.
- (h) Child abuse as prescribed in section 13-3623, subsection A, paragraph 1.
- (i) Kidnapping.
- (j) Sexual abuse.
- (k) Taking a child for the purpose of prostitution as prescribed in section 13-3206.
- (l) Child prostitution as prescribed in section 13-3212.
- (m) Involving or using minors in drug offenses.
- (n) Continuous sexual abuse of a child.
- (o) Attempted first degree murder.
- (p) Sex trafficking.
- (q) Manufacturing methamphetamine under circumstances that cause physical injury to a minor.
- (r) Bestiality as prescribed in section 13-1411, subsection A, paragraph 2.
- (s) Luring a minor for sexual exploitation.
- (t) Aggravated luring a minor for sexual exploitation.
- (u) Unlawful age misrepresentation.

### **PART 3: SIGNATURE OF ONE OR BOTH PARENTS** (as instructed on page 1)

I/We have read, understand, and agree to abide by the requirements of A.R.S. § 25-403.05 concerning notification of other parent or custodian if someone convicted of dangerous crime against children may have access to the child.

Signature of Party A: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Party B: \_\_\_\_\_ Date: \_\_\_\_\_

### **PART 4: JOINT LEGAL DECISION MAKING (JOINT LEGAL CUSTODY) AGREEMENT** (IF APPLICABLE):

**A. DOMESTIC VIOLENCE:** Arizona Law (A.R.S. § 25-403.03) states that joint legal decision-making authority (joint legal custody) shall NOT be awarded if there has been "a history of significant domestic violence".

- ☐ Domestic Violence has **not** occurred between the parties, **OR**
- ☐ Domestic Violence **has** occurred but it has not been "significant" or has been committed by both parties.\*



**B. DUI or DRUG CONVICTIONS: (A.R.S. § 25-403.04)**

- ☐ Neither party has been convicted of driving under the influence or a drug offense within the past 12 months, OR
- ☐ One of the parties HAS been convicted of driving under the influence or a drug offense within the past 12 months but the parties feel Joint Legal Decision-Making (Legal Custody) is in the best interest of the children.\*

**\* IF THERE HAS BEEN DOMESTIC VIOLENCE OR A DUI OR DRUG CONVICTION:**  
**Attach an extra page explaining why Joint Legal Decision-Making (Legal Custody) is still in the best interest of the children.**

**C. JOINT LEGAL DECISION-MAKING (JOINT LEGAL CUSTODY) AGREEMENT: If the parents have agreed to joint legal decision-making (legal custody), the following will apply, subject to approval by the Judge:**

1. **REVIEW:** The parents agree to review the terms of this agreement and make any necessary or desired changes every \_\_\_\_\_ month(s) from the date of this document.
2. **CRITERIA.** Our joint legal decision-making (joint legal custody) agreement meets the criteria required by Arizona law A.R.S. § 25-403.02, as listed below:
  - a. The best interests of the minor children are served;
  - b. Each parent's rights and responsibilities for personal care of the minor children and for decisions in education, health care and religious training are designated in this Plan;
  - c. A practical schedule of the parenting time for the minor children, including holidays and school vacations is included in the Plan;
  - d. A procedure for the exchange(s) of the child(ren) including location and responsibility for transportation.
  - e. The Plan includes a procedure for periodic review;
  - f. The Plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved.
  - g. A procedure for communicating with each other about the child, including methods and frequency.

**PART 4: SIGNATURES OF BOTH PARENTS REQUESTING JOINT LEGAL DECISION-MAKING AUTHORITY (LEGAL CUSTODY) (as instructed on page 1)**

Signature of Party A: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Party B: \_\_\_\_\_

Date: \_\_\_\_\_

# ALTERNATIVE DISPUTE RESOLUTION (ADR) STATEMENT TO THE COURT – FAMILY DEPARTMENT

## Procedures: When and How to Use the ADR Statement to the Court

**The Arizona Rules of Family Law Procedure** (Rule 66) requires parties in a Family case to:

- Discuss the possibility of settlement and whether a form of **Alternative Dispute Resolution (ADR)** described below will help resolve the case, **AND**
- Report to the court if there's a settlement, **AND**
- Inform the Court which type of ADR process was selected, with an expected date of completion.

### AFTER A RESPONSE IS FILED . . .

- (1) **The Party filing the Response must immediately mail or deliver to the other Party** (If either party is represented by an attorney, all communications should be sent directly to the attorney) **a blank copy of the ADR statement and these instructions, AND**
- (2) No later than ninety (90) days following the first appearance of a Respondent, the parties **MUST** meet in person or confer by phone to discuss the type of ADR process appropriate for their case **EXCEPT** if a protective order is in place and/or there are allegations of domestic violence:
  - **DO NOT** meet in person in cases where allegations of domestic violence have been made.
  - If you are under a **protective order**, follow the court orders for communicating with the other side.
  - Choose an ADR provider who follows appropriate policies and procedures regarding domestic violence. In cases where allegations of domestic violence have been made, the parties are encouraged to communicate via phone (except where prohibited by an Order of Protection) and choose ADR providers who have appropriate policies and procedures in place to handle cases involving domestic violence.

If you do not discuss these matters with the other party as required, be prepared to explain to the court the reason(s) (inconvenience is not an acceptable reason).

- (3) **Within 30 days AFTER you meet, or at the Resolution Management Conference (whichever is earlier), you MUST submit one of the following to the Family Judicial Officer assigned to your case:**

Joint ADR Statement

**OR**

Separate ADR Statement if you have not discussed these matters as required or cannot agree to use one form

Keep a copy of the completed form for your records.

- (4) Submit the Joint or Separate ADR Statement to the Family Department Judicial Officer by delivering the original to Family Department Administration. If the Resolution Management Conference is within 30 days from the date you met with the other party to discuss ADR, it must be given to the Judge at the Resolution Management Conference. If you are submitting a Separate ADR Statement to the Court, you must also provide a copy to the other party via mail or hand-delivery.

## INFORMATION ABOUT ADR (ALTERNATIVE DISPUTE RESOLUTION) PROCESSES

**ADR** is a peaceful alternative to the courtroom process that helps parties in court disputes reach settlement without having the judge decide all issues. Court sponsored ADR programs are currently available at no extra cost for pre-decree Mediation, Open Negotiation, and Settlement Conferences; you may choose to hire a private ADR provider at your own expense.

### **The purpose of ADR is to encourage settlement of cases in the Family Department**

**Benefits of ADR** include, but are not limited to:

- ADR provides parties the opportunity to resolve disputes more quickly and less expensively than a full trial.
- ADR provides parties more control over the outcome in a negotiated settlement.
- ADR provides parties greater satisfaction with results than litigation.
- ADR provides parties a greater chance of establishing or maintaining a working relationship.

### **COURT SPONSORED ADR OPTIONS**

**EARLY RESOLUTION CONFERENCES (ERC's)** are scheduled in cases where both parties are self-represented, (do not have lawyers), a response is filed to the initial complaint, and final court orders addressing all issues are not in place. The ERC's are conducted by Family Law Case Managers, a legally trained neutral third party who assists the parties in reaching and finalizing agreements, as well as prepare the required legal documents. With a full agreement at the ERC, and the paperwork is finalized, the case is completed the same day.

In most cases, ERC will be completed before the ADR Statement to the Court must be submitted to the Court. If the ERC is scheduled after the ADR statement is due, the parties may list the ERC as the preferred method of ADR as long as the parties believe they will be able to resolve issues at the Early Resolution Conference.

**MEDIATION AND OPEN NEGOTIATION through CONCILIATION SERVICES** are court-sponsored ADR alternatives where parties work with a neutral third party (Conciliator) to reach mutual agreements on legal decision making and/or parenting time **only** (not child support, spousal maintenance, property, debt, etc.).

Mediation offers parties an opportunity to meet with a Conciliator to identify and address their child(ren)'s needs and each parent's ability to meet those needs. Together they generate and consider choices to develop a workable parenting plan and determine legal decision-making that meet the best interest of the child(ren). Mediation conferences are private, confidential, and nothing said or written during mediation may be disclosed.

Additional Information is available at the Law Library Resource Center and online:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/LawLibraryResourceCenter/Forms/FamilyCourt/zPreMediate.asp>

Open Negotiation uses the same process and has the same goal as mediation, however it is **NOT** confidential. If the parties are unable to resolve their differences, the Conciliator can give feedback to the court on areas of agreement and disagreement. Open negotiation can only be scheduled by Court Order.

There is currently no extra charge for Mediation and Open Negotiation when these services are for *pre-decree cases (a final Order is not in place regarding Legal Decision Making and/or Parenting Time)*. If however you return to court to mediate legal decision-making and/or parenting time issues *post-decree (a court order has been signed resolving these issues)* a fee will be assessed.

**SETTLEMENT CONFERENCES** are pre-trial meetings between the parties, their attorneys (if represented) and a neutral Judicial Officer. The purpose of the settlement conference is for the parties to make an effort to settle all issues in dispute before going to trial. The neutral Judicial Officer facilitates an evaluation of the strengths and weaknesses of the parties' case and may also suggest ways to resolve disputed matters, but will not decide the case or make recommendations to the Judge assigned to your case. Currently there is no charge for this service. Additional information is available at the Law Library Resource Center and online:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/AlternativeDisputeResolution/adrPrograms.asp>

### **PRIVATE PROVIDER OPTIONS** (You are responsible for all costs.)

Private ADR providers may offer opportunities or variations on those already described, including evening or weekend hours or other conveniences. Additional providers/services may be listed in the Maricopa County Directory of Human Services, Self-Help Support Groups, or available at public libraries.

**Private Mediation** is where the parties work with a neutral third party (the mediator), who helps them identify their needs and explore viable options to settle all issues surrounding their Family case, including legal decision-making (custody), parenting time, child support, property division, etc. With the aid of the mediator, the parties can determine the outcome of their case. A roster of private mediators is available online at:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/LawLibraryResourceCenter/> (click on "Mediators").

There is a charge for this service, determined by each mediator.

**Private Settlement Conferences** are generally conducted by retired Judges separate from the Settlement Conferences provided by the Court. Private providers may allow parties more control to select the provider they wish to work with, have shorter wait times and have fewer time constrictions. The ADR mediator helps parties reach settlement by taking a more direct approach than in mediation. The mediator will focus on the conflict's legal issues, realistically evaluate case strengths and weaknesses, and actively suggest and weigh options for the parties to consider, as they attempt to resolve their case. There is a charge for this service, determined by each provider

You may also find private providers online by searching for "Arbitration" and "Mediation" in your area. Be aware that there are differences among private providers. While some are trained specialists, counselors, and attorneys, others are not. There are no licensing or minimal educational requirements to advertise as a mediator, arbitrator, or alternative dispute resolution provider.

As with hiring any private business for service, we recommend asking friends and relatives for referrals for any of the services mentioned above. **You are responsible for all costs involved in using private providers.**

Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

## SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

\_\_\_\_\_  
Petitioner / Party A

Case No. \_\_\_\_\_

ATLAS No. \_\_\_\_\_

\_\_\_\_\_  
Respondent / Party B

### ALTERNATIVE DISPUTE RESOLUTION STATEMENT TO THE COURT A.R.F.L.P. 66(E)

Check appropriate box below:

- ☐ Party A's Statement  
☐ Party B's Statement  
☐ Joint Statement (signed by both parties)

Pursuant to the Arizona Rules of Family Law Procedure, we hereby state the following, under penalty of perjury:

1. ☐ The parties agree to participate in the following Alternative Dispute Resolution (ADR) process and:
  - a. have selected the following ADR process:  
☐ Arbitration  
☐ Mediation  
☐ Settlement Conference  
☐ Other: \_\_\_\_\_
  - b. ☐ The parties will use a private provider OR  
☐ The parties request a program provided through the court.
  - c. The person or company providing the ADR service is: \_\_\_\_\_
  - d. The parties expect to complete the ADR process by \_\_\_\_\_.
2. ☐ The parties have been unable to agree on an ADR process.  
☐ Party A ☐ Party B believe(s) that the following ADR process would be appropriate:  
\_\_\_\_\_  
☐ Party A ☐ Party B request(s) a conference to discuss ADR.  
☐ Party A ☐ Party B believe(s) that an ADR process would not be appropriate for the following reason:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party A

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party B